

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATE OF AMERICA

V.

Docket No. 13-CR-10048-FDS

KING BELIN

Defendant

**DEFENDANT'S REQUESTED VOIR DIRE OF PROSPECTIVE JURORS**

Defendant, King Belin, respectfully requests that this Court ask the following general questions of the venire then follow up with individual questioning of the venire where warranted based on juror's answers.

Further, defendant moves that questions regarding prospective jurors' attitudes toward race (questions ## 17-21) be asked individually. As grounds for this request, such an inquiry touches upon topics that many prospective jurors may find embarrassing to answer candidly.

**PRESUMPTION OF INNOCENCE; FAILURE OF DEFENDANT TO TESTIFY**

1. The indictment in this case charges the defendant, King Belin, with possession of a firearm. An indictment is just a formal way for the government to bring this allegation before the court. It is not to be considered by you as evidence of guilt. Do you have any opinions as to the guilt or innocence of Mr. Belin based on the fact that he has been indicted?
2. Do you feel that Mr. Belin must now come forward with evidence to prove he is not guilty because he is named in this indictment?
3. Mr. Belin is presumed innocent as he sits before you here today. This means that if I were to ask you right now to render a verdict, your verdict would necessarily be not guilty. Do you feel right now that if Mr. Belin had done nothing wrong he would not be sitting here as a defendant?
4. Do you have any problem with presuming him innocent at this very moment or applying the presumption of innocence throughout this trial?
5. Our law does not require a defendant in a criminal case to present evidence, call witnesses or take the witness stand and testify himself. Should a defendant not testify, no presumption of guilt may thereby be raised and no inference of any kind may be drawn. The burden of proof remains on the government to prove its case

beyond a reasonable doubt. Should the defendant not take the witness stand, would this in any way affect your ability to be fair and impartial in this case if you are selected?

### **LAW ENFORCEMENT**

6. Does your job, or the job of your spouse, other relative, or any close friend, involve any contact with any law enforcement agency?
7. Do you, a relative or close friend, belong to any organization such as a “crime watch” or “neighborhood watch” concerning neighborhood safety or crime? If so, do you or this person come in contact with law enforcement in this way?
8. Have you, a relative or close friend, ever had an experience with a law enforcement officer of a favorable or unfavorable nature?
9. If the Court instructs you that, in evaluating the credibility of a witness who is a law enforcement officer, you are not to give any greater or lesser weight to that testimony *merely because the witness is a law enforcement officer*, will you accept and apply this rule and instruction of the Court?
10. Do any of you believe that it would be improper for the defense in this case to try to attack the credibility or integrity of law enforcement officers who may testify in this case?
11. Do any of you believe that it is not possible that law enforcement officers would testify falsely?
12. Do any of you believe that it is not possible that law enforcement officers would “plant” evidence on a defendant?
13. Have you, a relative or close friend ever been a victim of a crime?
14. Have you ever had occasion to participate in any fashion or capacity with the government in any criminal investigation?
15. Have you, a relative or a close friend, ever been arrested or charged with a crime?

### **EVIDENCE OF PRIOR CONVICTION**

16. In this case, Mr. Belin is charged not with mere possession of a firearm, but possession of a firearm after having been convicted of a felony, which means any crime that carries a maximum penalty of more than one year in jail or prison. Therefore, the government is expected to introduce evidence demonstrating that Mr. Belin was convicted of one or more crimes with this one year maximum penalty in order to meet its burden of proving the case beyond a reasonable doubt. Does the fact that Mr. Belin was previously convicted of a crime, if proved, lead you to believe he is more likely to have possessed a firearm in this case?

### **RACE BIAS**

17. The defendant in this case is African-American. Have you, a relative or a close friend, ever formed close friendships or associations with African-Americans?
18. Do you have any strong feelings about non-whites or any particular ethnic group?

19. Have you, a relative or a close friend, ever had a negative experience with a member of another race or ethnic group?
20. Do you believe that young black men are more likely to commit crimes than other groups of people? Do you believe that young black men are more likely to illegally possess firearms than other people?
21. Do you believe that young black men are more or less likely to tell the truth than other groups of people?

**FIREARMS AND AMMUNITION; FIREARMS-RELATED VIOLENCE**

22. Do you have any views or attitudes about firearms and ammunition that could influence you in deciding this case?
23. Do you have any views or attitudes about firearms-related violence that could influence you in deciding this case?
24. Do any of you belong to any anti-gun organizations?
25. Do any of you support the banning of handguns?

Respectfully submitted,  
King Belin,  
By His Attorney,

DATE: December 3, 2014

/s/ Paul J. Garrity  
Paul J. Garrity  
Bar No. 555976  
14 Londonderry Road  
Londonderry, NH 03053  
603-434-4106

**CERTIFICATE OF SERVICE**

I, Paul J. Garrity, hereby certify that on this 3<sup>rd</sup> day of December, 2014, a copy of the within Defendant's Requested Voir Dire of Prospective Jurors has been efiled to all parties of record and mailed, postage prepaid to Belin King.

/s/ Paul J. Garrity  
Paul J. Garrity